

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Milton Ciplet, Individually and on behalf of all
Others similarly situated,

Plaintiff,

-against-

JP Morgan Chase & Co. and J.P. Morgan
Securities, Inc.,

Defendants.

Civil Action No. 08-CV-4580 (RMB)

MARK SCHARFF, PINE SASH DOOR &
LUMBER CO., INC., MARK SCHARFF &
ASSOCIATES LLC, 2170 MILL AVENUE
LLC, 6202-6217 REALTY LLC, MARK
SCHARFF ITF MICHAEL SCHARFF,
MARK SCHARFF ITF DANIEL SCHARFF
and MARK SCHARFF ITF ARIEL SCHARFF,

Plaintiffs,

vs.

JPMORGAN CHASE BANK & CO., J.P.
MORGAN SECURITIES, INC., AND
CHASE INVESTMENT SERVICES CORP.

Defendants

Civil Action No. 08-CV-5026 (RMB)

**DECLARATION OF JAMES HENRY GLAVIN IV IN
OPPOSITION TO THE COMPETING MOTIONS FOR APPOINTMENT
AS LEAD PLAINTIFF AND APPROVAL OF SELECTION OF LEAD COUNSEL**

I, James Henry Glavin IV, hereby declare:

1. I am an attorney at the law firm of Stull, Stull & Brody. I submit this Declaration in Opposition to the Competing Motions for Appointment as Lead Plaintiff and Approval of Selection of Lead Counsel.

2. Attached hereto as Exhibit A is a true and correct copy of the correspondence from Girard Gibbs LLP, dated August 21, 2008, confirming that the *Silverman v. JPMorgan Chase & Co. et al.*, 08-cv-3177 (GEL) (S.D.N.Y. Mar. 31, 2008) action was voluntarily dismissed after Charles Silverman had his shares redeemed.

Executed on this 28th day of August, 2008.

/s/ James Henry Glavin IV
James Henry Glavin IV

Exhibit A

Mark Levine

From: Jonathan Levine [JKL@girardgibbs.com]
Sent: Thursday, August 21, 2008 12:26 PM
To: Mark Levine
Subject: RE: Ciplet v. JPMOrgan Chase

Mark - I am out of the office the rest of this week. This will confirm that Mr. Silverman's ars securities were redeemed by the issuer (not repurchased by J.P. Morgan) several days after the litigation was commenced. In light of that redemption, Mr. Silverman requested that the complaint be dismissed.

From: Mark Levine [mailto:mlevine@ssbny.com]
Sent: Thursday, August 21, 2008 9:17 AM
To: Jonathan Levine
Cc: jbrody@ssbny.com; jhglavin@ssbny.com
Subject: Ciplet v. JPMOrgan Chase

Jonathan:

Please see the attached correspondence.

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8/28/2008